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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,981	06/29/2001	Paul M. Cohen	219.40063X00	6159
23838	7590	12/23/2004		
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			EXAMINER KOMOL, VAJIRACHAI	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,981

Applicant(s)

COHEN ET AL.

Examiner

Vajirachai Komol

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4 – 6, 11 and 14 are rejected under 35 U.S.C. 102[b] as being anticipated by Schmutz [U.S. Pat. 6,477,388].

Regarding to claim 4, Schmutz discloses the invention, comprising:

- a plurality of computers [power sinks, col. 4, line 37, col. 5, lines 3 - 5];
- a power source having a known power capacity [col. 7, lines 25 – 26, “Avail_Power”];
- a power monitor [PBA, col. 4, lines 62 – 67]; and
- a power controller responsive to a request [new channel request, fig. 8] for power resulting in a new total power requirement [800, 810, 820, fig. 8];
 - to determine whether the new total power requirement exceeds the known power capacity [830], and
 - responsive to the new total power requirement exceeding the known power capacity to cause power supply to continue to provide the total power requirement of plurality of computers and

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to provide only standby power¹ to additional computer [870, 880, 830, col. 12, lines 51 – 65].

Regarding to claim 5, Schmutz teaches that one of the computers is a server [fig. 6].

Regarding to claim 6, Schmutz does not explicitly teach a computer rack containing the plurality of computers, power supply, power monitor, and power controller therein.

It would have been obvious to one of ordinary skill in the art to modify the teachings of Schmutz to incorporate the plurality of computers, power supply, power monitor and power controller in a computer rack since a computer rack is well known in the art as a mode to contain a plurality of computers.

Regarding to claim 11, Schmutz teaches the claimed system therefore, Schmutz teaches the process for operating the system.

Regarding to claim 14, Schmutz teaches the claimed system therefore, Schmutz discloses an article including instructions for operating the system.

¹ The standby power occurs when the system is granted lesser amount of power than the requested amount.

Claim Rejections - 35 USC § 103

3. Claims 1 – 3, 7 – 10, 12 – 13 and 15 are rejected under 35 U.S.C. 103[a] as being unpatentable over Schmutz [U.S. Pat. 6,477,388].

Regarding to claim 1, Schmutz discloses the invention, comprising:

- a plurality of computers [power sinks, col. 4, line 37, col. 5, lines 3 - 5];
- a power source having a known power capacity [col. 7, lines 25 – 26, “Avail_Power”];
- a power monitor [PBA, col. 4, lines 62 – 67]; and
- a power controller responsive to a request [new channel request, fig. 8] for power resulting in a new total power requirement [800, 810, 820, fig. 8];
 - to determine whether the new total power requirement exceeds the known power capacity [830], and
 - responsive to the new total power requirement exceeding the known power capacity, provide less power to the additional computer than indicated in the request for power [870, 880, 830, col. 12, lines 51 – 65].

Schmutz does not reduce the power supplied to each of the computers when there is insufficient power to provide power to the additional computer.

Schmutz assumes that by continuously reducing the power to the additional computer, if necessary to the minimum power level, the system would be able to power the additional computer [col. 12, line 66 – col. 13, line 10]. However, a

routineer in the art would readily recognize that Schmutz's assumption couldn't be guaranteed. As such, a routineer in the art would look for teaching to ensure the system's ability to provide power to an additional computer even when the power supply can't meet the new power requirement.

Schmutz explicitly teaches the reduction of power to each of the powered devices when the power supply fails to meet the total power requirement due to the failure of a portion of the power supply system [col. 8, lines 44 – 60]. In summary, Schmutz reduces the power supply to each of the powered devices when the power supply fails to meet the total power requirement. The specific cause of the failure² does not affect the power reduction process to all the powered devices in order to meet the current power requirement. As such, it would have been obvious to one of ordinary skill in the art to reduce the power to all the powered devices when there is insufficient power to power the new device even after reducing the power thereof to the minimum level. In this case, Schmutz would be able to power the new device regardless of the power supply conditions³.

Regarding to claim 7, as set forth above, Schmutz teaches all the limitations of claim 1. Schmutz further teaches:

² The failure can be caused by the failure of a portion of the power supply network or the new total power demand exceeds the power supply capacity.

³ The system would provide power at the requested level, the maximum available power level, at the minimum level [col. 13, lines 6 – 10], at the minimum level and reduced power to all other powered devices.

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- responsive to plurality of computers not being able to operate with reduced power to cause power supply to continue to provide the total power requirement of plurality of computers and to provide only standby power⁴ to additional computer [870, 880, 830, col. 12, lines 51 – 65].

Regarding to claims 2 and 8, Schmutz teaches that one of the computers is a server [fig. 6].

Regarding to claims 3 and 9, Schmutz does not explicitly teach a computer rack containing the plurality of computers, power supply, power monitor, and power controller therein.

It would have been obvious to one of ordinary skill in the art to modify the teachings of Schmutz to incorporate the plurality of computers, power supply, power monitor and power controller in a computer rack since a computer rack is well known in the art as a mode to contain a plurality of computers.

Regarding to claims 10 and 12, Schmutz teaches the claimed system therefore, Schmutz teaches the process for operating the system.

Regarding to claims 13 and 15, Schmutz teaches the claimed system therefore, Schmutz discloses an article including instructions for operating the system.

⁴ The standby power occurs when the system is granted lesser amount of power than the requested amount.

Response to Arguments

4. Applicant's arguments with respect to claims 1 - 15 have been considered but are moot in view of the new ground(s) of rejection.

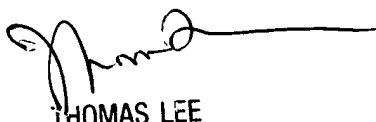
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vajirachai Komol [Ben] whose telephone number is (571) 272-5858. The examiner can normally be reached on 7:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (571) 272-3667.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VK


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